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10/566,642	01/30/2006	Yukio Shikatani	KAN107US	7397

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EXAMINER	
RASHID, HARUNUR	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/566,642	SHIKATANI, YUKIO	
	Examiner	Art Unit	
	HARUNUR RASHID	4143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/30/2006, 8/03/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 are pending in the application filed on 01/30/2006.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-8, 18-20, and 29-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 1, the claims recite "a content multicasting system provided with a transmitting apparatus for ...)", however body of the claim are constitutes software modules per se (transmitting apparatus..., "receiving apparatus ....") just limited to software modules se, because claim of the body are instructions and instructions are functional descriptive material. Instruction without adding tangible subject matter therefore, claim are recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

As claims 2-8 recite additional details on instruction without adding tangible subject matter therefore, these claims recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

As to claim 18, the claims recite "a content multicasting receiving apparatus comprising reception monitoring means which receives data from a transmitting apparatus", however body of the claim are constitutes software modules per se ("transmitting apparatus ....") just limited to software modules se, because claim of the body are instructions and instructions are functional

descriptive material. Instruction without adding tangible subject matter therefore, claim are recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

As claims 19-20 recite additional details on instruction without adding tangible subject matter therefore, these claims recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

As to claim 29, the claims recite "a content multicasting system provided with a transmitting apparatus for …", however body of the claim are constitutes software modules per se ("transmitting apparatus …, receiving apparatus ….") just limited to software modules se, because claim of the body are instructions and instructions are functional descriptive material. Instruction without adding tangible subject matter therefore, claim are recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

As claims 30-32 recite additional details on instruction without adding tangible subject matter therefore, these claims recite nonstatutory subject matter, and rejected under 35 U.S.C 101.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 18-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Nishio et al. (herein after Nishio) Pub No.: 2003/0208625A1

As to claim 18, Nishio discloses a content multicasting receiving apparatus comprising reception monitoring means which receives data from a transmitting apparatus (Paragraph 0044) and monitors out of said data a location table indicating a relationship between location information on contents and content identifiers (Paragraph 0055); reception type determining means which determines a type of the location table detected by said reception monitoring means (Paragraph 0044); location table update managing means which checks for each type updating of a location table received by said reception type determining means (Paragraph 0052); location table storage means which stores the location table in which only contents to be simultaneously released are stated out of the location table determined by said location table update managing means to have been updated (Paragraph 0059); and location solution means which searches with priority location tables stored in said location table storage means (Paragraph 0057-0058) and acquires content location information (Paragraph 0019).

As to claim 19, Nishio discloses the content multicasting receiving apparatus according to claim 18, further provided with broadcast receiving means for receiving data from a broadcast network which makes possible multicasting and/or communication control means for receiving data from a telecommunications network which makes possible multicasting and interactive distribution (Paragraph 0039), wherein said communication control means transmits data received from said location solution means to said transmitting apparatus over said telecommunications network (Paragraph 0057-0040).

As to claim 20, Nishio discloses the content multicasting receiving apparatus according to claim 18, wherein said reception monitoring means monitors reception of said location solution information table (Paragraph 0044), and said reception type determining means identifies said location solution information table out of the tables received from said reception monitoring means (Paragraph 0044), the apparatus being further provided with location solution information updating means which receives the location solution information table identified by said reception type determining means (Paragraph 0054) and location solution information storage means which stores the location solution information table judged by said location solution information updating means to have been updated (Paragraph 0056), wherein: said location

solution means references said location solution information table with priority and acquires content location information on the basis of the location solution information in said location solution information table (Paragraph 0054-0055).

As to claim 21, Nishio discloses a content multicasting method using a transmitting apparatus for managing content identifiers which uniquely identify contents (Paragraph 0038) and content location information indicating the locations of said contents (Paragraph 0011) and transmitting them to a receiving apparatus (Fig. 1, Item 102, Paragraph 0025), and the receiving apparatus for acquiring said contents on the basis of said received content identifiers (Paragraph 0036) and said content location information (Paragraph 0037), wherein: said transmitting apparatus extracts contents to be simultaneously released (Paragraph 0036), out of contents for which a delivery schedule indicating a delivery period and a release schedule indicating a release period are set as attribute information, on the basis of said attribute information (Fig. 6B, Paragraph 0058 & 0054), and transmits to the receiving apparatus a location table in which content location information on said extracted contents and the content identifiers of said contents are associated with each other (Paragraph 0044), and said receiving apparatus acquires content location information by searching said received location table with priority (Paragraph 0054-0055).

As to claim 22, Nishio discloses the content multicasting method according to claim 21, whereby said location table is distributed over a multicasting network using a broadcast network and a telecommunications network, an interactive network using a telecommunications network, or a combination of such networks (Paragraph 0036).

As to claim 23, Nishio discloses the content multicasting method according to claim 21, whereby said transmitting apparatus extracts only a location table concerning contents immediately before release out of the location tables in said location table (Paragraph 0038) and transmits said extracted location table (Paragraph 0045), and said receiving apparatus acquires content location information by searching said received location table with priority (Paragraph 0054-0055).

As to claim 24, Nishio discloses the content multicasting method according to claim 21, whereby said transmitting apparatus stores location information (Paragraph 0044) and attribute information on any content whose content location information said receiving apparatus has inquired about (Paragraph 0040), and transmits, on the basis of a result of totaling of said stored location information and attribute information on the content (Paragraph 0044), a location table in which content location information on the content to be simultaneously released and the content identifier of said content are associated with each other (Paragraph 0044), and said receiving apparatus acquires content location information by searching said received location table with priority (Paragraph 0054-0055).

As to claim 25, Nishio discloses the content multicasting method according to claim 21, whereby said transmitting apparatus stores location information and attribute information on any content whose content location information said receiving apparatus has inquired about, generates, for each content (Paragraph 0040), location solution information indicating a method of acquiring content location information on said content at least on the next and subsequent occasions on the basis of said acquired content location information and the attribute information on said content (Paragraph 0042), and transmits said location solution information, and said receiving apparatus acquires content location information by giving priority to the method contained in said received location solution information (Paragraph 0054-0055).

As to claim 26, Nishio discloses the content multicasting method according to claim 25, wherein said location solution information comprises a combination of all or some of the conditions of acquiring content location information on said content (Paragraph 0013), information on the device which inquires about said content location information (Paragraph 0043), and information for identifying the location table in which said content location information is stated (Paragraph 0040).

As to claim 27, Nishio discloses the content multicasting method according to claim 25, wherein said transmitting apparatus so sets said location solution information as to differ from one receiving apparatus to another (Paragraph 0043).

As to claim 28, Nishio discloses the content multicasting method according to claim 25, wherein said location solution information is so specified as to acquire content location information in said location table (Paragraph 0043 & 0054).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-17, 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio et al. (herein after Nishio) Pub No.: 2003/0208625A1, in view of Gonno et al. (herein after Gonno) Pub No.: 2003/0208625A1.

As to claim 1, Nishio discloses a content multicasting system provided with a transmitting apparatus (Fig. 1, item 102, Paragraph 0025) for managing content identifiers which uniquely identify contents (Paragraph 0038) and content location information indicating locations of said contents (Paragraph 0011) and a receiving apparatus for acquiring said contents by inquiring of said transmitting apparatus on the basis of said content identifiers (Paragraph 0036) and thereby

obtaining said content location information (Paragraph 0037), wherein: said transmitting apparatus comprises simultaneous accessibility determining means which extracts contents to be simultaneously released (Paragraph 0036), on the basis of said attribute information location table registering means for preparing and storing location tables in which content location information on the contents extracted by said simultaneous accessibility determining means (Paragraph 0036) and content identifiers of said extracted contents are associated with each other (Paragraph 0018); and location distribution control means for controlling distribution of the location tables registered with said location table registering means to the receiving apparatus (Paragraph 0036), and said transmitting apparatus transmits said location tables to the receiving apparatus (Paragraph 0053-0055); and said receiving apparatus comprises location table storage means for receiving said location tables transmitted from said transmitting apparatus and storing updated location tables out of said received location tables (Paragraph 0059); and location solution means for acquiring content location information by searching with priority said location tables stored in said location table storage means (Paragraph 0054-0055).

Nishio fails to disclose out of contents for which a delivery schedule representing a delivery period or a release schedule representing a release period is set as attribute information. However Gonno disclose out of contents for which a delivery schedule representing a delivery period or a release schedule representing a release period is set as attribute information (Paragraph 0034 & 0035)

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including delivery schedule representing a

delivery period or a release schedule representing a release period is set as attribute information, in order for Nishio's system to manage programming schedule.

As to claim 2, Nishio discloses the content multicasting system according to claim 1, wherein a mechanism of data distribution between said transmitting apparatus and said receiving apparatus is configured of a multicasting network using a broadcast network and a telecommunications network, an interactive network using a telecommunications network, or a combination of such networks (Paragraph 0036).

As to claim 3, Nishio discloses the content multicasting system according to claim 1, wherein said transmitting apparatus is provided with location distribution control means for extracting only a location table concerning contents immediately before release out of the location tables in said location table registering means (Paragraph 0038), and transmits said extracted location table immediately before the release of each of said contents (Paragraph 0040).

As to claim 4, Nishio discloses the content multicasting system according to claim 1, wherein said transmitting apparatus is provided with simultaneous accessing trend classifying means which stores attribute information on any content whose content location information said receiving apparatus has inquired about and classifies contents to be simultaneously released on the basis of the attribute information on said content (Paragraph 0040), and simultaneous accessibility determining means which extracts contents to be simultaneously released on the basis of information classified by said simultaneous accessing trend classifying means

(Paragraph 0040), and said transmitting apparatus transmits a location table in which content location information on the contents extracted by said simultaneous accessibility determining means and the content identifiers of said contents are associated with each other (Paragraph 0044).

As to claim 5, Nishio discloses the content multicasting system according to claim 1, wherein said transmitting apparatus is provided with location solution information setting means which stores attribute information on any content whose content location information said receiving apparatus has inquired about, generates, for each content (Paragraph 0040), location solution information indicating a method of acquiring content location information on said content at least on the next and subsequent occasions on the basis of the attribute information on said content (Paragraph 0042), and prepares a location solution information table in which content identifiers and location solution information related to said content identifiers are matched with each other (Paragraph 0055), said transmitting apparatus transmits said location solution information table to the receiving apparatus (Paragraph 0053), said receiving apparatus is provided with location solution information storage means which receives said location solution information table transmitted from said transmitting apparatus (Paragraph 0053), and stores any updated location solution information table out of said received location solution information tables and location solution means which references said location solution information table with priority and acquires content location information on the basis of location solution information in said location solution information table (Paragraph 0054-0055).

As to claim 6, Nishio discloses the content multicasting system according to claim 5, wherein said location solution information comprises a combination of all or some of the conditions of acquiring content location information on said content (Paragraph 0013), information on the device which inquires about said content location information (Paragraph 0040), and information for identifying the location table in which said content location information is stated (Paragraph 0040).

As to claim 7, Nishio discloses the content multicasting system according to claim 5, wherein said receiving apparatus sends said content identifier and a receiving apparatus identifier for uniquely identifying said receiving apparatus to said transmitting apparatus when said receiving apparatus is to inquire of said transmitting apparatus about content location information (Paragraph 0040), and said location solution information setting means of said transmitting apparatus sets location solution information so as to differ from one receiving apparatus to another (Paragraph 0043).

As to claim 8, Nishio discloses the content multicasting system according to claim 5, wherein said location solution information is so specified as to acquire content location information in said location table transmitted in advance by said transmitting apparatus (Paragraph 0043 & 0054).

As to claim 9, Nishio discloses a content multicast transmitting apparatus comprising content registering means which assigns content identifiers for uniquely identifying contents registers

said contents and manages them (Paragraph 0038); simultaneous accessibility determining means which extracts on the basis of said content location information set by said distribution schedule setting means (Paragraph 0036), contents to be simultaneously released out of the contents set by said distribution schedule setting means (Location table, Fig. 6B Paragraph 0058 & 0054); location table registering means which receives from said content registering means or said distribution schedule setting means (Location table, Fig. 6B Paragraph 0058 & 0054); content location information on the contents extracted by said simultaneous accessibility determining means (Paragraph 0036), and generates and stores a location table indicating a relationship between content location information on said contents and their content identifiers (Paragraph 0036); and location distribution control means which receives said location table generated by said location table registering means and instructs transmission of said location table (Fig. 6B, Paragraph 0058 & 0054).

Nishio fails to disclose distribution schedule setting means which sets a delivery schedule indicating a delivery period , which is content location information on contents registered with said content registering means and a release schedule indicating a release period which is included in said content location information . However Gonno disclose distribution schedule setting means which sets a delivery schedule indicating a delivery period (Paragraph 0005), which is content location information on contents registered with said content registering means and a release schedule indicating a release period which is included in said content location information (Paragraph 0034 & 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including distribution schedule setting, in order for Nishio's system to manage programming schedule.

As to claim 10, Nishio discloses content multicast transmitting apparatus according to claim 9, further provided with broadcast transmitting means for transmitting data to a broadcast network which makes possible multicasting and/or communication control means for transmitting data to a telecommunications network which makes possible multicasting and interactive distribution (Paragraph 0039), wherein: said broadcast transmitting means and said communication control means transmit data received from said distribution schedule setting means (Fig. 6B, Paragraph 0058 & 0054) and said location distribution control means, and said communication control means hands over to said distribution schedule setting means the data received from said telecommunications network (Fig. 6B, Paragraph 0058 & 0054).

As to claim 11, Nishio discloses the content multicast transmitting apparatus according to claim 9, wherein said content registering means registers attribute information on the contents to be registered, and said simultaneous accessibility determining means extracts contents to be simultaneously released on the basis of attribute information on the content registered with said content registering means (Paragraph 0038).

As to claim 12, Nishio discloses the content multicast transmitting apparatus according to claim 9, wherein said location distribution control means extracts only the location table regarding

contents immediately before release (Paragraph 0038), and said location table is transmitted by handing over said extracted location table to either said broadcast transmitting means or said communication control means immediately before the release of each of said contents (Paragraph 004).

As to claim 13, Nishio discloses the content multicast transmitting apparatus according to claim 9, further provided with simultaneous accessing trend classifying means which receives from said location distribution control means the content identifiers of contents whose location has been inquired about acquires from said content registering means and said distribution schedule setting means content location information on said contents and/or attribute information on the contents and stores them (Paragraph 0040), and classifies contents to be simultaneously released on the basis of said acquired content location information and the attribute information on said contents (Paragraph 0040), wherein: the simultaneous accessibility determining means extracts contents to be simultaneously released on the basis of the information classified by said simultaneous accessing trend classifying means (Paragraph 0040).

As to claim 14, Nishio discloses the content multicast transmitting apparatus according to claim 9, further provided with simultaneous accessing trend classifying means which receives from said location distribution control means the content identifiers of contents whose location has been inquired about acquires from said content registering means and said distribution schedule setting means, content location information on said contents and/or attribute information on the contents and stores them generates (Paragraph 0040), for each content location solution

information indicating a method of acquiring content location information on said contents at least on the next and subsequent occasions on the basis of said acquired content location information and the attribute information on said contents (Paragraph 0042), and prepares a location solution information table in which content identifiers and location solution information related to said content identifiers are matched with each other (Paragraph 0055), wherein: said location distribution control means receives the location solution information table generated by said location solution information setting means and instructs its transmission (Paragraph 0053).

As to claim 15, Nishio discloses the content multicast transmitting apparatus according to claim 14, wherein said location solution information comprises a combination of all or some of the conditions of acquiring content location information on said contents (Paragraph 0013), information on the device which inquires about said content location information (Paragraph 0040), and information for identifying the location table in which said content location information is stated (Paragraph 0040).

As to claim 16, Nishio discloses the content multicast transmitting apparatus according to claim 14, wherein said location solution information setting means of said transmitting apparatus so sets said location solution information as to differ from one receiving apparatus to another (Paragraph 0057).

As to claim 17, Nishio discloses the content multicast transmitting apparatus according to claim 14, wherein said location solution information is so specified as to acquire content location

information in said location table transmitted in advance by said transmitting apparatus (Paragraph 0043 & 0054).

As to claim 29, Nishio discloses a content multicasting system provided with a transmitting apparatus for managing content identifiers which uniquely identify contents (Paragraph 0038) and content location information indicating locations of said contents (Paragraph 0011) and a receiving apparatus for acquiring said contents by inquiring of said transmitting apparatus on the basis of said content identifiers (Paragraph 0036) and thereby obtaining said content location information (Paragraph 0037), wherein: said transmitting apparatus comprises location table registering means which prepares and stores a location table in which content location information on contents (Paragraph 0038), and content identifiers of the pertinent contents are associated with each other (Paragraph 0044)and location distribution control means which controls distribution of the location tables registered with the location table registering means to the receiving apparatus (Paragraph 0036), and transmits said location tables to the receiving apparatus (Paragraph 0054), and said receiving apparatus comprises simultaneous accessibility determining means which receives said location table transmitted from said transmitting apparatus and extracts contents to be simultaneously released on the basis of the delivery schedule or release schedule stated in an updated location table out of said received location tables (Fig. 6B, Paragraph 0058-0054); location table storage means which stores location tables classified by said simultaneous accessibility determining means into location tables for multicasting use as those to be simultaneously released and other location tables for ordinary use (Paragraph 0054-0055); and location solution means which, when content location information is

to be acquired, acquires the content location information by searching with priority said location tables for multicasting use stored in said location table storage means (Paragraph 0054-0055). Nishio fails to disclose, a delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period. However Gonno disclose a delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period (Paragraph 0034 & 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period, in order for Nishio's system to manage programming schedule.

As to claim 30, Nishio discloses the content multicasting system according to claim 29, wherein said simultaneous accessibility determining means further classifies location tables for multicasting use into a plurality of types of location tables for multicasting use (Fig. 6A-6B, Paragraph 0053-0055).

As to claim 33, Nishio discloses a content multicasting method using a transmitting apparatus for managing (Fig. 1, Paragraph 0038) being associated with each other content identifiers which uniquely identify contents and content location information indicating the locations of said contents (Paragraph 0011) and transmitting them to a receiving apparatus (Paragraph 0053-0055) and the receiving apparatus for acquiring said contents on the basis of said received content identifiers and said content location information (Paragraph 0011), wherein: said transmitting

apparatus transmits to the receiving apparatus the location tables (Paragraph 0011), and said content location information being associated with each other (Fig. 6B, Paragraph 0058 & 0054) and said receiving apparatus classifies by simultaneous accessibility determination processing to extract contents to be simultaneously released on the basis of the delivery schedule (Location table, Fig. 6B, Paragraph 0058 & 0054) or release schedule stated in said location table into received location tables for multicasting use and location tables for ordinary use and, when contents are to be acquired, acquires content location information by searching with priority the location tables for multicasting use (Paragraph 0054-0055).

Nishio fails to disclose, a delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period are added to said content identifiers. However Gonno disclose a delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period are added to said content identifiers (Paragraph 0034 & 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including delivery schedule indicating a delivery period of said contents or a release schedule indicating a release period, in order for Nishio's system to manage programming schedule.

As to claim 34, Nishio discloses the content multicasting method according to claim 33, whereby location tables for multicasting use are further classified in said simultaneous accessibility determination processing into a plurality of types of location tables for multicasting use (Fig. 6A-6C, Paragraph 0054-0055).

As to claims 31 and 35, Nishio fails to disclose plurality of types of location tables for multicasting use are further classified by broadcast channel and prepared separately for each broadcast channel. However Gonno discloses plurality of types of location tables for multicasting use are further classified by broadcast channel and prepared separately for each broadcast channel (Paragraph 0005).
It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by further classifying by broadcast channel, in order for Nishio's system to transmit multimedia content.

As to claims 32 and 36, Nishio fails to disclose plurality of types of location table for multicasting use are further classified by telecommunications operator and prepared separately for each telecommunications operator. However, Gonno discloses plurality of types of location table for multicasting use are further classified by telecommunications operator and prepared separately for each telecommunications operator (Paragraph 0005& 0006).
It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by classifying by telecommunications operator and preparing separately for each telecommunications operator, in order for Nishio's system to transmit multimedia content.

As to claim 37, Nishio discloses a content multicast transmitting apparatus comprising: content registering means which assigns content identifiers for uniquely identifying contents (Paragraph

0038), registers said contents matched with these content identifiers (Paragraph 0038) and content location information indicating the locations of the pertinent contents (Paragraph 0011), and manages them (Paragraph 0038), the contents being matched with the respective content identifiers (Paragraph 0038); location table registering means which receives content location information on the contents from said content registering means or the delivery schedule or the release schedule of the contents from the distribution schedule setting means and generates (Fig. 6B, Paragraph 0058 & 0054) and stores a location table indicating a relationship among the content location information on said contents (Paragraph 0011), said delivery schedule or release schedule and the content identifiers (Location table, Fig. 6B, Paragraph 0058 & 0054); and location distribution control means which receives said location table generated by said location table registering means and instructs transmission of said location table (Paragraph 0043 & 0054).

Nishio fails to disclose, distribution schedule setting means which sets a delivery schedule indicating a delivery period of the contents registered with said content registering means or a release schedule indicating a release period of said contents. However Gonno distribution schedule setting means which sets a delivery schedule indicating a delivery period of the contents registered with said content registering means or a release schedule indicating a release period of said contents (Paragraph 0034 & 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including delivery schedule indicating a delivery period of the contents registered with said content registering means or a release

schedule indicating a release period of said contents, in order for Nishio's system to manage programming schedule for timely broadcast.

As to claim 38, Nishio discloses a content multicasting receiving apparatus comprising (Fig. 1, Paragraph 0036): reception monitoring means which receives data from a transmitting apparatus and monitors out of said data a location table indicating a relationship among location information on contents (Paragraph 0044), a delivery schedule or release schedule of the contents (Fig. 6B, Paragraph 0058 & 0054), and content identifiers (Paragraph 0038); location table update managing means which checks updating of a location table detected by said reception monitoring means (Fig. 6A-6B, Paragraph 0053 & 0055); simultaneous accessibility determining means which, with respect to location tables (Paragraph 0036), judged by said location table update managing means to have been updated, extracts, out of contents included in the location table, and said content location information (Paragraph 0011); location table storage means which stores the location tables classified by said simultaneous accessibility determining means into location tables for multicasting use as those to be simultaneously released and other location tables for ordinary use (Paragraph 0054-0055); and location solution means which, when content location information is to be acquired (Paragraph 0043), acquires the content location information by searching with priority said location tables for multicasting use stored in said location table storage means (Paragraph 0043-0045).

Nishio fails to disclose, contents to be simultaneously released on the basis of said delivery schedule or release schedule. However Gonno contents to be simultaneously released on the basis of said delivery schedule or release schedule (Paragraph 0034 & 0035).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Gonno with the teaching of Nishio by including contents to be simultaneously released on the basis of said delivery schedule or release schedule, in order for Nishio's system to manage programming schedule for timely broadcast.

Conclusion

5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARUNUR RASHID whose telephone number is (571)270-7195. The examiner can normally be reached on Monday - Friday; 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HR
12/28/2008

/THUHA T. NGUYEN/

Primary Examiner, Art Unit 2453